

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEE MICHAEL ALDRIDGE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:10-cv-0337
CRIM. NO. 2:07-cr-0154(1)

JUDGE HOLSCHUH

OPINION AND ORDER

On April 19, 2010, petitioner Lee Michael Aldridge filed a motion to vacate, correct or set aside sentence under 28 U.S.C. §2255. A properly-executed version of that motion was filed on May 14, 2010. The Magistrate Judge subsequently recommended that the matter be set for an evidentiary hearing and that counsel be appointed for petitioner. On October 26, 2010, petitioner, through counsel, filed a notice of dismissal of his motion to vacate, noting that the only issue raised in the motion - the failure of trial counsel to file a notice of appeal - was foreclosed by an addendum to the plea agreement in which petitioner agreed to waive his appeal rights with respect to the sentence imposed. See Doc. #148.

The Court finds that there is good cause to allow petitioner to withdraw his §2255 motion. The motion, as filed and as subsequently revised (#158 and #161) is **DISMISSED**. The Clerk shall terminate the motion and the associated civil case, Case No. 2:10-cv-337.

IT IS SO ORDERED.

Date: November 1, 2010

/s/ John D. Holschuh
JOHN D. HOLSCHUH
United States District Judge